

County filed its answer on November 13, 1993 after which this matter was consolidated for hearing with five other cases and heard by the PELRB on March 29, 1994.

FINDINGS OF FACT

1. Grafton County is a "public employer" within the meaning of RSA 273-A:1 X.
2. The Federation of Nurses and Health Professionals is a labor organization which conducted a campaign to organize employees of the County at its nursing home. The first informational meeting involving this effort occurred May 28, 1993 notwithstanding that the certification petition was not filed with PELRB until September 15, 1993.
3. After the informational meeting of May 28, 1993, which was also attended by some supervisors (including Jane Grimes) and members of management, subsequent organizational meetings were held in the private residences of Claire Pond and Bruce Newton. Pond is the subject of this case and, according to the Union's allegations, was the subject of certain disciplinary proceedings as the result of her support for the Union.
4. Pond, a LPN, is a regular, part-time employee who works 24 hours per week. She described herself as the "night charge nurse" from midnight to 8 a.m. She has been the subject of several disciplinary corrections or warnings both before and after the certification petition was filed on September 15, 1993. They included: (1) an uncontested smoking incident on February 10, 1993 (County Exhibit #1), (2) criticism on continuing the use of a patient restraint on May 17, 1993 (County Exhibit #2), (3) a denied warning about failing to test and medicate a patient's glucose level on October 4, 1993 (County Exhibit #3) and (4) a misunderstanding about the schedule which resulted in her not reporting for work on October 27, 1993 (County Exhibit #4). Notwithstanding the first two of the incidents, Pond was recommended for continued employment on August 6, 1993 (Union Exhibit #2). She did not, however, receive a step increase at that time.
5. Melissa Lessen, RN, is the nursing supervisor who issued Pond the warning about the glucose test and medication on October 4, 1993 (County Exhibit #3). She testified that the complaining patient was alert and believable. Lessen stated Pond was given

an opportunity to respond to the complaint and denied the charges. It was not until October 7, 1993, that Pond recalled that she had used the second floor glucometer on September 30, 1993. Any memory stored in any of the glucometers would have been replaced by more recent data by the time the second floor tester was identified.

6. Pond precipitated the discharge of Lessen's husband at the nursing home by raising the policy that spouses may not be employed at the same facility.
7. Lessen supervised approximately sixty of the 85 petitioners identified on County Exhibit #6. She has had reason to discipline six of them plus eight other supervised employees who were not signatories to County Exhibit #6.

DECISION AND ORDER

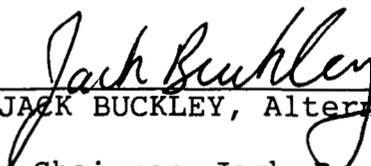
We cannot sustain the charge of ULP. The first two disciplinary events complained of occurred before the informational meeting of May 28, 1993 and well before Pond volunteered the use of her home for meetings. While it may not have been prudent for Grimes, in a supervisory capacity, to suggest that organizers were "trouble makers," there is no evidence that Pond ever suffered discipline because of the feelings Grimes had.

Likewise, as for the discipline imposed on Pond after the organizational campaign surfaced (County Exhibit #3 and 4), it appears to have been for cause and shows no signs of having been imposed because of anti-union animus. There was no testimony that other employees were coerced or intimidated by it, either before the November 22, 1993 election or the December 22, 1993 re-election. Decision No. 93-156 issued December 2, 1993. Lessen's use of discipline appears to have been spread across the breadth of employees whom she supervises, both would-be union members as well as those who expressed no such interest.

The ULP is hereby DISMISSED.

So ordered.

Signed this 6th day of April, 1994.


 JACK BUCKLEY, Alternate Chairman

By unanimous vote. Alternate Chairman Jack Buckley presiding.
 Members Richard Roulx and E. Vincent Hall present and voting.